

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Concordia Pharmaceuticals Inc., and	)	
Concordia Pharmaceuticals (US) Inc.,	)	
	)	
Plaintiffs,	)	C.A. No. 6:18-704-HMH
	)	
vs.	)	
	)	<b>OPINION &amp; ORDER</b>
Christopher Blake Kelley,	)	
	)	
Defendant.	)	

This matter is before the court on Christopher Blake Kelley’s (“Kelley”) motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. After review, the court dismisses Kelley’s motion as moot.

An amended complaint ordinarily supersedes the original and renders it of no legal effect. Young v. City of Mount Rainier, 238 F.3d 567, 573 (4th Cir. 2001). Therefore, a defendant’s previous motion to dismiss becomes moot when a plaintiff files an amended complaint. See Sennott v. Adams, No. 6:13-cv-02813-GRA, 2014 WL 2434745, at \*3 (D.S.C. May 29, 2014) (“Thus, a defendant’s previous motion to dismiss is rendered moot when a plaintiff files an amended complaint.”) (unpublished). In this case, Kelley filed the instant motion to dismiss on May 17, 2018. (Def. Mot. Dismiss, ECF No. 12.) On June 7, 2018, Plaintiffs filed a first amended complaint pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. (First Am. Compl., ECF No. 15.) On June 13, 2018, Plaintiffs filed a second

amended complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. (Second Am. Compl., ECF No. 16.) Based on the foregoing, Kelley's motion to dismiss is moot.<sup>1</sup>

It is therefore

**ORDERED** that Kelley's motion to dismiss, docket number 12, is dismissed as moot.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
June 18, 2018

---

<sup>1</sup> If so desired, Kelley may file a new motion to dismiss within the time frame allotted by the Federal Rules of Civil Procedure. Sennott, 2014 WL 2434745, at \*3.